

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 591 – SB 796

March 25, 2013

SUMMARY OF ORIGINAL BILL: Establishes the “Freedom from Unwarranted Surveillance Act.”

Prohibits law enforcement agencies from using a drone in Tennessee to gather evidence or other information unless the drone is used:

- Pursuant to a search warrant specifically authorizing the use of a drone;
- To counter a high risk of a terrorist attack by a specific individual or organization if the United States secretary of homeland security determines that credible intelligence indicates that there is such a risk; or
- By a law enforcement agency under reasonable suspicion that swift action is needed to prevent imminent danger to life under the particular circumstances.

Authorizes an aggrieved party to initiate a civil action against a law enforcement agency.

Prohibits information obtained in violation of the section from being admissible as evidence in a criminal prosecution in any Tennessee court.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005435): Specifies that “drone” means an aerial vehicle that does not carry a human operator and that is incapable of direct human intervention from within the aircraft.

Deletes provision in definition of “drone” that required the drone be an aerial vehicle capable of carrying a lethal or non-lethal payload.

Adds provisions allowing a drone to be used to provide continuous aerial coverage when law enforcement is searching for a fugitive or escapee, monitoring a hostage situation, or searching for a missing person.

Prohibits the use of any data collected on an individual, home, or area that is not the target that justified use of the drone. Requires such data to be deleted as soon as possible, but no later than 24 hours after collection.

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The bill as amended shall not prohibit the operation of any unmanned aircraft for strictly recreational purposes when no surveillance is intended or conducted.

Provides that use of a drone to gather evidence or information constitutes a search and shall comply with the Fourth Amendment of the United States Constitution and Article I, Section 7 of the Tennessee Constitution.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to local law enforcement representatives, drones are currently not used by local law enforcement agencies.
- According to the Department of Safety and Homeland Security, drones are currently not used by the department.
- According to the Tennessee Bureau of Investigation, the bill would not have a significant impact on the bureau.
- It is assumed that the bill would not have a significant impact.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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